

APRIL 24, 2013

NEW IBERIA, LOUISIANA

IBERIA PARISH COUNCIL

The Parish Council of Iberia Parish, Louisiana met in Regular Session in the Parish Council Chambers, Main Courthouse Building, New Iberia, Louisiana, on Wednesday, April 24, 2013.

The following members were recorded PRESENT:

Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan, and D. Wayne Landry.

ABSENT: Curtis Boudoin and David Ditch.

OTHERS IN ATTENDANCE: John Raines, Permits, Planning and Zoning

The Parish Council of the Parish of Iberia, State of Louisiana, was duly convened as the Governing Authority of the Parish of Iberia by Mr. Roger Duncan, its Chairman, who announced that the Council was now ready to conduct its business.

A motion was made by Ms. Aquicline Rener-Arnold, seconded by Mr. Jerome Fitch, that the Iberia Parish Council does hereby dispense with the reading of the minutes of the Special Meeting of April 10, 2013 and approve said minutes as submitted.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the motion was declared adopted this 24th day of April, 2013.

PERSONS TO ADDRESS THE COUNCIL:

1. Ms. Katie Landry, Director of the Iberia Parish Recreation and Playground District, provided a status report on the projects of the District.

REPORTS (FINANCE AND ADMINISTRATIVE ACTION):

1. Reports from various engineers/architects regarding all ongoing projects with Iberia Parish Government. A report was provided by the Clerk on behalf of Wayne LaBiche Engineering regarding the AvEx Roof Replacement Project and the drainage project on Northside Road.

The Chairman declared that the Council would delay action regarding the following Special Business, to be held following consideration of Ordinances for adoption:

SPECIAL BUSINESS:

1. Legal Counsel to address the Council regarding potential risk management litigation.
2. Executive Session regarding demand from the Michael Moity Law Firm on behalf of Holly Leleux-Thubron versus Iberia Parish Government, through its Council members and certain individual Council members, for damages due to alleged defacto termination pursuant to R.S. 42:17(A)(2) "Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body" and attorney-client privilege protecting communications between the client and their attorney, pursuant to La. Code Evid. Art. 506(B), under R.S. 42:17(A)(10) "or any other matters now provided for or as may be provided for by the Legislature".

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Ricky J. Gonsoulin, that the Iberia Parish Council does hereby recess its Regular Session and convene as a Public Hearing to obtain public comments regarding Ordinances being considered for final adoption.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the motion was declared adopted this 24th day of April, 2013.

Mr. Eric Istre, Mr. David Istre and Mr. Buddy Estelle spoke in opposition to Ordinance Summary No. 4478, which authorizes the rezoning the Bayou Jack Subdivision. Those speaking in favor of the proposed Ordinance included Ms. Shelby Derouen, Mr. Errol Viator, Ms. Lynette Lopez, Ms. Judy Touchet, Ms. Sherry Romero and Ms. Sandy Romero. Also responding to questions and comments regarding this proposed ordinance was Mr. John Raines, Director of Permits, Planning and Zoning.

Upon hearing no further comments, the Chairman requested a motion to adjourn the Public Hearing and to reconvene into Regular Session.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Ricky J. Gonsoulin, that the Iberia Parish Council does hereby adjourn its Public Hearing and reconvene into Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the motion was declared adopted this 24th day of April, 2013.

A motion was made by Mr. Jerome W. Fitch, seconded by Mr. Ricky J. Gonsoulin, that the following be adopted:

ORDINANCE NO. 2013-04-4476

AN ORDINANCE AMENDING SECTION 13, WRITTEN QUOTATIONS OF THE IBERIA PARISH PURCHASING POLICY, TO PROVIDE THAT THE PURCHASE AMOUNT BE INCREASED FROM \$500 TO \$1,000 FOR THOSE ITEMS REQUIRING THE RECEIPT OF THREE (3) QUOTES FOR MATERIALS AND SUPPLIES, TO ADOPT THE "QUICK QUOTE FORM", WHICH WILL BE COMPLETED WHEN ACCEPTING QUICK QUOTES FOR ITEMS, AND TO ACKNOWLEDGE THAT IBERIA PARISH GOVERNMENT FOLLOWS THE LA. PUBLIC BID LAW REGULATIONS AS PART OF ITS PURCHASING CRITERIA.

THAT THE IBERIA PARISH DOES HEREBY ORDAIN:

- SECTION 1. The Iberia Parish Purchasing Policy was adopted by Ordinance on May 9, 1984 and has been amended various times through Administrative Amendments due to changes in the State public bid laws.
- SECTION 2. The current policy provides that written quotations are required for purchases of more than \$500.
- SECTION 3. Section 13 of the Iberia Parish Purchase Policy, entitled Written Quotations, is hereby amended to increase the dollar value of items requiring written quotations from \$500 to \$1,000.
- SECTION 4. The "Quick Quote Form", which will be completed when accepting quick quotes for purchases is hereby adopted and approved.
- SECTION 5. The Iberia Parish Government shall follow all Louisiana Public Bid Law requirements as established by the Louisiana Legislature for all purchases.
- SECTION 6. This Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the Ordinance was declared adopted this 24th day of April, 2013.

A motion was made by Mr. Thomas J. Landry, seconded by Mr. Ricky J. Gonsoulin, that the following be adopted:

ORDINANCE NO. 2013-04-4477

AN ORDINANCE APPROVING THE ZONING RECLASSIFICATION OF GRAND PRAIRIE SUBDIVISION FROM THE CURRENT CLASSIFICATION OF MIXED RESIDENTIAL (R-2) TO SINGLE FAMILY RESIDENTIAL (R-1), LOCATED IN DISTRICT 2, ALL AS RECOMMENDED BY THE IBERIA PARISH REGIONAL ZONING COMMISSION.

THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Ordinance No. 2009-02-4099, adopted February 25, 2009, established the Zoning Regulations for rural Iberia Parish and is recorded in the Official Records of Iberia Parish at COB, Page 65.

SECTION 2. At the time the Zoning Ordinance was adopted the area shown on the attached map and described herein was zoned Mixed Residential (R-2) even though the Subdivision Covenants of Grand Prairie Subdivision restricted the Subdivision to single family homes only.

SECTION 3. The Department of Permitting, Planning and Zoning received a petition to reclassify the property from a majority of property owners of Grand Prairie Subdivision from Mixed Residential (R-2) to Single Family Residential (R-1).

SECTION 4. The Iberia Parish Council adopted Resolution No. 2013-68 on February 27, 2013 which requested the Iberia Parish Regional Zoning Commission conduct a public hearing to determine the propriety of the original Mixed Residential (R-2) zoning assignment and to advise the Iberia Parish Council accordingly.

SECTION 5. The Iberia Parish Zoning Commission did accept the Resolution from the Iberia Parish Council and did conduct a Public Hearing on March 21, 2013, which after deliberation and due consideration did vote to recommend the property be reclassified from Mixed Residential (R-2) to Single Family Residential (R-1) because:

1. Grand Prairie Subdivision is restricted to single family residences only and does not allow mobile homes
2. Grand Prairie Subdivision is almost completely developed with single family residences
3. The vast majority of Grand Prairie Subdivision residences/property owners signed a petition requesting the reclassification from Mixed Residential (R-2) to Single Family Residential (R-1)

SECTION 6. That Grand Prairie Subdivision, as shown on the attached plat, is hereby reclassified from Mixed Residential (R-2) to Single Family Residential (R-1).

SECTION 7. This Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the Ordinance was declared adopted this 24TH day of April, 2013.

A motion was made by Mr. Thomas J. Landry, seconded by Mr. Ricky J. Gonsoulin, that the following be adopted:

ORDINANCE NO. 2013-04-4478

AN ORDINANCE AMENDING THE IBERIA PARISH ZONING ORDINANCE TO APPROVE THE ZONING RECLASSIFICATION OF JACK BROOKS SUBDIVISION FROM THE CURRENT CLASSIFICATION OF MIXED RESIDENTIAL (R-2) TO SINGLE FAMILY RESIDENTIAL (R-1) LOCATED IN DISTRICT 10.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

Section 1. That Ordinance No. 2009-02-4099, adopted February 25, 2009, established the Zoning Regulations for rural Iberia Parish and is recorded in the Official Records of Iberia Parish at COB, Page 65.

Section 2. At the time the Zoning Ordinance was adopted the area shown on the attached map and described herein was zoned Mixed Residential (R-2) even though the Subdivision Covenants of Jack Brooks Subdivision restricted the Subdivision to single family homes only.

Section 3. The Department of Permitting, Planning and Zoning received a petition to reclassify the property from a majority of property owners of Jack Brooks Subdivision from Mixed Residential (R-2) to Single Family Residential (R-1).

Section 4. The Iberia Parish Council adopted Resolution No. 2013-69 on February 27, 2013 which requested the Iberia Parish Regional Zoning Commission conduct a public hearing to determine the propriety of the original Mixed Residential (R-2) zoning assignment and to advise the Iberia Parish Council accordingly.

Section 5. The Iberia Parish Zoning Commission did accept the Resolution from the Iberia Parish Council and did conduct a Public Hearing on March 21, 2013, which after public advertisement, public hearing and deliberation and due consideration did vote to recommend the property be reclassified from Mixed Residential (R-2) to Single Family Residential (R-1) because:

1. Jack Brook Subdivision is restricted to single family residences only and does not allow mobile homes
2. Jack Brook Subdivision is almost completely developed with single family residences
3. The vast majority of Jack Brook Subdivision residences/property owners signed a petition requesting the reclassification from Mixed Residential (R-2) to Single Family Residential (R-1)

SECTION 6. The Iberia Parish Council does hereby authorize that Jack Brook Subdivision, as shown on the attached plat, is hereby reclassified from Mixed Residential (R-2) to Single Family Residential (R-1).

SECTION 7. This Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: Maggie F. Daniels.

ABSENT: Curtis Boudoin and David Ditch.

And the Ordinance was declared adopted this 24th day of April, 2013.

The Council then returned to Special Business, as follows:

SPECIAL BUSINESS:

1. Legal Counsel to address the Council regarding potential risk management litigation.
2. Executive Session regarding demand from the Michael Moity Law Firm on behalf of Holly Leleux-Thubron versus Iberia Parish Government, through its Council members and certain individual Council members, for damages due to alleged defacto termination pursuant to R.S. 42:17(A) (2) "Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body" and attorney-client privilege protecting communications between the client and their attorney, pursuant to La. Code Evid. Art. 506(B), under R.S. 42:17(A)(10) "or any other matters now provided for or as may be provided for by the Legislature".

Assistant District Attorney Dean Wattigny and Mr. Gary McGoffin, attorney representing the District Attorney's Office, then addressed the Council regarding the above matters. The Council decided by general consensus that they would not go into Executive Session, therefore, the contents of the demand by Michael Moity Law Firm on behalf of Holy Leleux-Thubron were discussed in public session.

Mr. McGoffin explained the contents of the document and explained the position he recommends regarding this matter. He requested that all requests for any documents or questions regarding this matter be forwarded to him or the District Attorney's Office for response.

Mr. McGoffin also stated that the letter he prepared in response to Mr. Moity's demand letter was not sent to Mr. Moity until he had the opportunity to discuss this matter with the Council. He did note however that Mr. Moity sent him an email and fax in response to his letter at 3:56 p.m. today so it is clear that Mr. Moity received a copy of the document prior to the Council's discussion of the matter. He explained the response he would provide to Mr. Moity in response to the email and fax received.

COUNCIL MEMBER ANNOUNCEMENTS

1. Ms. Maggie F. Daniels expressed her appreciation to the Legislative Staff for Administrative Assistants Day and requested that the Clerk pass her appreciation on to the rest of the staff.

PARISH PRESIDENT ANNOUNCEMENTS

None.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Thomas J. Landry, that the Iberia Parish Council does hereby recess its Regular Session and convene as a Public Hearing to obtain public comments regarding Resolutions being considered for final adoption.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the motion was declared adopted this 24th day of April, 2013.

Mr. Jerry Conrad, Mr. Janice Dekeyzer and Mr. Ronald Landry spoke in favor of Resolution Summary No. 126, which supports the Balance of Powers Act.

Upon hearing no further comments, the Chairman requested a motion to adjourn the Public Hearing and to reconvene into Regular Session.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Thomas J. Landry, that the Iberia Parish Council does hereby adjourn its Public Hearing and reconvene into Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the motion was declared adopted this 24th day of April, 2013.

A motion was made by Mr. Thomas J. Landry, seconded by Mr. Marty Trahan, that the following be adopted:

RESOLUTION NO. 2013-109

A RESOLUTION AMENDING THE 2013 GENERAL FUND BUDGET IN THE AMOUNT OF THE \$7,000 TO CARRY FORWARD FUNDING INTO THE CURRENT BUDGET FOR SPECIAL LEGAL COUNSEL (DONALD WASHINGTON), AS AUTHORIZED BY PREVIOUS RESOLUTIONS, ALL TO BE FUNDED FROM THE 2013 GENERAL FUND BUDGET, FUND BALANCE - PREVIOUS YEARS.

WHEREAS, Resolution No. 2012-158, dated April 25, 2012 authorized the employment of Special Legal Counsel in accordance with Section 9-01 and 9-02 of the Iberia Parish Home Rule Charter to include investigation into potentially false affidavits submitted to the Louisiana Attorney General; and

WHEREAS, Resolution NO. 2012-523, dated May 23, 2012 authorized an appropriation in the amount of \$5,000 to pay the cost of said legal services; and

WHEREAS, Resolution No. 2012-338 authorized an expanded scope of services for said special legal to include investigation into various other allegations, such as pro bono legal services to the Parish President, firing of rank and file employees, etc.; and

WHEREAS, due to the expanded scope of legal services requested, the proposed fees for said services increased from \$5,000 to \$7,000; and

WHEREAS, the original \$5,000 appropriation was included in the 2012 General Fund Budget, Legislative Function, but was not carried forward into the 2013 budget.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2013 General Fund Budget in the total amount of the \$7,000 to carry forward \$5,000 in funding from the 2012 budget and further to include an additional \$2,000 for completion of said services, for special legal counsel (Donald Washington), as authorized by previous Resolutions, as follows:

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u>
499000 0000 0000 0000	Fund Bal-Prev Yrs	\$1,296,135	\$7,000
533100 1110 0000 0000	Professional Fees	\$2,000	\$7,000

BE IT FURTHER RESOLVED, that said total appropriation shall be funded from the 2013 General Fund Budget, Fund Balance - Previous Years.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: Maggie F. Daniels and Lloyd Brown.

ABSENT: Curtis Boudoin and David Ditch.

And the Resolution was declared adopted this 10th day of April, 2013.

A motion was made by Mr. Ricky J. Gonsoulin, seconded by Mr. Bernard E. Broussard, that the following be adopted:

RESOLUTION NO. 2013-126

A RESOLUTION IN SUPPORT OF THE INTRODUCTION OF LEGISLATION TO SUPPORT AND PASS THE "BALANCE OF POWERS ACT".

WHEREAS, The Soar Project of Louisiana is requesting support for the Balance of Powers Act; and

WHEREAS, the Balance of Powers Act says that powers not delegated to the United States by the Constitution, nor prohibited by it to our State, are reserved to the State, or to the people respectively; and

WHEREAS, it affirms that the primary function of State Government under the Tenth Amendment is to protect the people of our State from any and all infringements upon constitutionally protected rights, as established by our State Constitution; and

WHEREAS, it says that the enumeration in the U.S. Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people, or our State; and

WHEREAS, it affirms the inalienable rights of the people of our State under the State Constitution, the U.S. Constitution and the Bill of Rights, specifically protected by the Ninth Amendment; and

WHEREAS, it defines "constitutional" federal acts as those acts made in Pursuance of the U.S. Constitution and Bill of Rights; and

WHEREAS, it defines all federal acts not made in Pursuance thereof; as "unconstitutional" acts; and

WHEREAS, it affirms that only the U.S. Congress has the constitutional authority to make federal laws; and

WHEREAS, it identifies and rejects past and ongoing abuses of federal power via the commerce clause, the general welfare clause, the necessary and proper clause and the federal supremacy clause; and

WHEREAS, it affirms that if Congress (the federal government) exceeded its authority, the congressional (federal) act is invalid and, despite the *Supremacy Clause*, has no priority over our State or the people; and

WHEREAS, it establishes a State Legislative Committee to review federal policies for the purpose of lawfully determining the constitutionality of federal actions within our State; and

WHEREAS, it establishes that upon recommendation from the State Constitutional Review Committee, the State Legislature shall decide whether or not to accept a federal action on the sole basis of its constitutionality; and

WHEREAS, it affirms that in disputes arising between the State and the federal government over matters of constitutionality, that the U.S. Supreme Court shall have *original jurisdiction*, and that no other court has any jurisdiction on the matter of constitutional disputes; and

WHEREAS, although the U.S. Supreme Court shall have original jurisdiction, it affirms that the people of our State have the right and the authority to be the *final arbiter* of what is and is not constitutional within the State; and

WHEREAS, it affirms that the people of our State and our State Government are under no moral or legal obligation to accept, adhere to, abide by or enforce any federal acts which the people and the state determine to be beyond the constitutional authority of the federal government, or in direct violation of the Bill of Rights, deemed thereby "unconstitutional," invalid, void and without force of law; and

WHEREAS, the Balance of Powers Act simply establishes a streamlined method by which the State can keep its oath to protect the people of the state.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby support the introduction of legislation to support and pass the "Balance of Powers Act".

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the Iberia Parish Legislative Delegation requesting their support and introduction of said legislation.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Marty Trahan and D. Wayne Romero.

NAYS: Maggie F. Daniels, Lloyd Brown, and Aquicline Rener-Arnold.

ABSENT: Curtis Boudoin and David Ditch.

And the Resolution was declared adopted this 24th day of April, 2013.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Marty Trahan, that the following be adopted:

RESOLUTION NO. 2013-160

A RESOLUTION PROVIDING FOR THE CANVASSING OF ELECTION RESULTS FOR THE APRIL 6, 2013 ELECTION WHICH INCLUDED A PROPOSITION FOR A ½ CENT PARISHWIDE SALES TAX FOR THE IBERIA PARISH SALES TAX DISTRICT NO. 1.

The Iberia Parish Council, State of Louisiana (the "Governing Authority"), does hereby canvass the returns and declare the result of the special election held in Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana:

PROCÈS VERBAL AND PROCLAMATION OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION HELD IN SALES TAX DISTRICT NO. 1 OF THE PARISH OF IBERIA, STATE OF LOUISIANA, ON SATURDAY, APRIL 6, 2013.

BE IT KNOWN AND REMEMBERED that on Wednesday, April 24, 2013, at six o'clock (6:00) p.m., at its regular meeting place, the Council Chambers, New Iberia, Louisiana, the Iberia Parish Council, State of Louisiana (the "Governing Authority"), acting as the governing authority of Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), and being the authority ordering the special election held therein on Saturday, April 6, 2013, with a quorum being present, did examine the official certified tabulations of votes cast at the said election, and did examine and canvass the returns of said election, there having been submitted at said election the following proposition to wit:

SALES TAX PROPOSITION

Shall Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), be authorized to levy and collect a tax of one-half of one percent (0.50%) (the "Tax") upon the sale at retail, the use, the lease or rental, the consumption, and storage for use or consumption, of tangible personal property and on sales of services in the District, all as defined by law (an estimated \$6,250,000 reasonable expected to be collected from the levy of the Tax for an entire year), for a period of thirty (30) years, commencing July 1, 2013, with the avails and proceeds of the Tax (after paying reasonable and necessary costs and expenses of collecting and administering the Tax) to be dedicated and used in accordance with a local services agreement between the District and the Iberia Parish Levee, Hurricane and Conservation District (the "Levee District"), said agreement providing for the transfer of said avails and proceeds of the Tax to the Levee District, pursuant to the terms thereof, for the exclusive purpose of funding the construction, acquisition, maintenance, operation, extension and/or improvement of levees, hurricane protection and drainage in the Levee District?

The canvass of the results of the election showed that there was a total of **1,754** votes cast **IN FAVOR OF** the Proposition and a total of **1,961** votes cast **AGAINST** the Proposition, and that there was a majority of **207** votes cast **AGAINST** the Proposition as hereinabove set forth.

Therefore, the Governing Authority did declare and proclaim and does hereby declare and proclaim in open and public session that the Proposition as hereinabove set forth was duly **DEFEATED** by a majority of the votes cast by the qualified electors voting at the said special election.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

ABSENT AT VOTING: Troy Comeaux.

And the Resolution was declared adopted this 24th day of April, 2013.

Addressing the Council regarding this proposed resolution was Mr. Ken Squires, Chairman of the Iberia Parish Airport Authority. He reported on the recent projects and actions being taken by the Authority to provide for the economic growth of the Parish's airports.

A motion was made by Mr. Ricky J. Gonsoulin, seconded by Mr. Jerome W. Fitch, that the following be adopted:

RESOLUTION NO. 2013-161

A RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION BY SENATOR BRET ALLAIN WHICH WOULD CREATE A STUDY RESOLUTION THAT WILL URGE AND REQUEST LOUISIANA ECONOMIC DEVELOPMENT (LED) TO ASSIST A COMMITTEE SELECTED BY THE COUNCIL THAT INCLUDES DESIGNEES OF COUNCIL MEMBERS, A DESIGNEE OF THE PARISH PRESIDENT, AND INDUSTRY LEADERS TO EXPLORE FUTURE OPPORTUNITIES OF ECONOMIC DEVELOPMENT RELATING TO PORTS, AIRPORTS, INDUSTRIAL PARKS, AND ANY INFRASTRUCTURE PROJECTS THAT COULD BRING ADDITIONAL JOBS AND ACTIVITY TO IBERIA PARISH, WITH THE FINDINGS TO BE REPORTED TO THE COUNCIL FOR ITS REVIEW AND CONSIDERATION.

WHEREAS, the Iberia Parish Council has created the Iberia Parish Airport Authority, which oversees the operations and maintenance of the Acadiana Regional Airport and the LeMaire Memorial Airport; and

WHEREAS, the State of Louisiana has authorized the creation of the Port of Iberia Commission, which is comprised of representatives from municipalities and regions within Iberia Parish; and

WHEREAS, a request to the Louisiana Economic Development to assist with a committee to study and explore future opportunities of economic development related to ports, airports, industrial parks, and any infrastructure project that could bring additional jobs and activity to Iberia Parish would be beneficial; and

WHEREAS, Senator Bret Allain is proposing to introduce legislation which would create such a committee, with the group to report its findings to the Council for its review and consideration.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby support proposed legislation by Senator Bret Allain which would create a study resolution that will urge and request Louisiana Economic Development (LED) to assist a committee selected by the Council that includes designees of Council members, a designee of the Parish President, and industry leaders to explore future opportunities of economic development relating to ports, airports, industrial parks, and any infrastructure projects that could bring additional jobs and activity to Iberia Parish, with the findings to be reported to the Council for its review and consideration.

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forwarded to the Iberia Parish Legislative Delegation requesting their support for this proposed legislation.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Troy Comeaux, Ricky J. Gonsoulin, and Jerome W. Fitch.

NAYS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Bernard E. Broussard, Glenn Romero, Roger Duncan, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

ABSENT: Curtis Boudoin and David Ditch.

And the Resolution **FAILED** to be adopted this 24th day of April, 2013.

A motion was made by Mr. Glenn Romero, seconded by Mr. Jerome W. Fitch, that the following be adopted:

RESOLUTION NO. 2013-162

A RESOLUTION ACCEPTING THE RESIGNATION OF MR. DANIEL GONSOULIN AS A MEMBER OF THE IBERIA PARISH MOSQUITO ABATEMENT DISTRICT BOARD, EFFECTIVE IMMEDIATELY.

WHEREAS, Mr. Daniel Gonsoulin has tendered his resignation as a member of the Iberia Parish Mosquito Abatement District, representing the Agricultural Community, effective immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept the resignation of Mr. Daniel Gonsoulin, as a member of the Iberia Parish Mosquito Abatement District, as a representative of the Agricultural Community.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby extend its sincere appreciation to Mr. Larry G. Rader for his service in this capacity.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

ABSTAIN: Ricky J. Gonsoulin.

And the Resolution was declared adopted this 24th day of April, 2013.

Mr. Karl Vincent, Chairman of the Acadiana Fairgrounds Commission, and Mr. Carroll Boudreaux, Commission member, addressed the Council regarding the bids received for Phase III.

A motion was made by Ms. Maggie F. Daniels, seconded by Mr. Lloyd Brown, that the Iberia Parish Council does hereby adopt Resolution Summary No. 163, which is a Resolution authorizing the Parish President to execute a contract with Sabine Pools, Spas and Furniture in the amount of \$1,232,300 for the Cajun Rvera Project, Phase III, in accordance with bids opened on April 16, 2013 and further authorizing funding of a portion of such amount if necessary.

A substitute motion was made by Mr. Bernard E. Broussard, seconded by Mr. Lloyd Brown, that the following be adopted, as amended:

RESOLUTION NO. 2013-163

A RESOLUTION REJECTING ALL BIDS FOR THE CAJUN RVERA PROJECT, PHASE III, IN ACCORDANCE WITH BIDS OPENED ON APRIL 16, 2013, FURTHER DIRECTING THAT PHASE III BE REBID AS SOON AS POSSIBLE AND FURTHER AUTHORIZING THE ACADIANA FAIRGROUNDS COMMISSION TO BID THE ASPHALT AND FENCING PORTIONS OF THE PROJECT INDIVIDUALLY.

WHEREAS, the Iberia Parish Government recently received public bids on April 16, 2013 for the purpose of construction of Phase III of the Cajun Rvera Project on behalf of the Acadiana Fairgrounds Commission; and

WHEREAS, all bids received were over the budgeted funds available for said project so it is being recommended that all bids be rejected and that Phase III of the project be rebid as soon as possible; and

WHEREAS, it is being requested also that the Acadiana Fairgrounds Commission be authorized to bid the asphalt and the fencing for the project as individual project.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the rejection of all bids received for the Cajun Rvera Project, Phase III, as all bids received were in excess of the funds budgeted for said project.

BE IT FURTHER RESOLVED, that the Acadiana Fairgrounds Commission is hereby directed to rebid Phase III of said project as soon as possible.

BE IT FURTHER RESOLVED, that the Acadiana Fairgrounds Commission is hereby authorized to bid the asphalt and fencing portions of said project individually.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This substitute motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the substitute motion to table was declared adopted this 24th day of April, 2013.

A motion was made by Mr. Lloyd Brown, seconded by Ms. Maggie F. Daniels, that the following be adopted:

RESOLUTION NO. 2013-164

A RESOLUTION GRANTING SUBSTANTIAL COMPLETION FOR THE IBERIA PARISH COURTHOUSE ANNEX ELEVATOR PROJECT ALL AS COMPLETED BY BULLIARD CONSTRUCTION AND ALL AS RECOMMENDED BY DARBY ARCHITECTS, PROJECT ARCHITECTS.

WHEREAS, the Iberia Parish Government has contracted with Bulliard Construction for the Courthouse Annex Elevator Project; and

WHEREAS, it is the recommendation of the Project Architects, Darby Architects, that Substantial Completion be granted to said project.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby grant Substantial Completion to the Iberia Parish Courthouse Annex Elevator Project, all as completed by Bulliard Construction.

BE IT FURTHER RESOLVED, that this Resolution is adopted on the recommendation of Darby Architects, Project Architects.

BE IT FURTHER RESOLVED, that the Parish President is hereby authorized to execute all documents necessary to effect Substantial Completion of said project.

BE IT FURTHER RESOLVED, that this Resolution shall be recorded in the Official Records of Iberia Parish.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the Resolution was declared adopted this 24th day of April, 2013.

A motion was made by Mr. D. Wayne Romero, seconded by Mr. Marty Trahan, that the following be adopted:

RESOLUTION NO. 2013-165

A RESOLUTION ACCEPTING RIGHT-OF-WAY SERVITUDE AGREEMENTS FROM ADJACENT PROPERTY OWNERS FOR THE ESTIS ROAD BRIDGE REPLACEMENT PROJECT BEING CONDUCTED BY DOTD THROUGH THE FEDERAL AID OFF SYSTEM BRIDGE REPLACEMENT PROGRAM, AT AN ESTIMATED CONSTRUCTION COST OF OVER \$480,000, DISTRICT 14.

WHEREAS, the Louisiana Department of Transportation and Development has developed a Construction Proposal as a Federal Aid Project, State Project No. H.008674, Estis Road Bridge Over Channel L-3H, Iberia Parish; and

WHEREAS, the estimated construction cost of this bridge project is \$483,543.50, which includes underground drainage improvements in the area; and

WHEREAS, it is necessary to obtain Right-of-Way Servitude Agreements from adjacent property owners in order for said project to be constructed.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept Right-of-way Servitude Agreements from adjacent property owners for the Estis Road Bridge Replacement Project being conducted by DOTD through the Federal Aid Off System Bridge Replacement Program, at an estimated construction cost of over \$480,000, District 14.

BE IT FURTHER RESOLVED, that said Agreements shall be recorded in the official records of the Iberia Parish Clerk of Court.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, Ricky J. Gonsoulin, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Curtis Boudoin and David Ditch.

And the Resolution was declared adopted this 24th day of April, 2013.

ORDINANCES INTRODUCED FOR PUBLICATION:

SUMMARY NO. 4479 (Introduced by Legal Counsel)

An Ordinance authorizing the issuance by the Parish of Iberia, State of Louisiana of (a) \$8,265,000 of Hospital Revenue and Refunding Bonds, Series 2013A; and (b) \$3,520,000 of Hospital Revenue Refunding Bonds (Hurricane Ike), Series 2013B; prescribing the form, fixing the details and providing for the rights of the owners of the Bonds; providing for the payment of the principal of and interest on the Bonds; accepting the best offer received for the purchase of the Bonds; entering into certain covenants and agreements in connection with the security and payment of the Bonds; authorizing the agreement with the Paying Agent; and providing for other matters in connection therewith.

SUMMARY NO. 4480 (Introduced by Zoning Commission)

An Ordinance amending Chapter 24 of the Iberia Parish Compiled Ordinances to clarify the one year reversion clause of the Zoning Ordinance pertaining to recently classified industrial property.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Ricky J. Gonsoulin, that the Iberia Parish Council does hereby adjourn.

The motion carried.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:

Clerk of the Council